

# WHITE, DEMOCRAT, NAMED BY TAFT CHIEF JUSTICE

President Breaks Precedent by Placing Man of Opposite Party Head of U. S. Bench.

CONFIRMED BY SENATE.

Two Associate Justices and Members of Commerce Court Are Also Appointed.

WASHINGTON, Dec. 12.—President Taft today formally nominated Associate Justice Edward Douglas White of Louisiana, a Democrat, to be Chief Justice of the United States, he sending his appointment and other judicial nominations to the Senate for confirmation.

The President in naming Justice White to the senior seat on the highest bench has broken all precedent, in that the first time on record that a Republican President has named a member of the opposite party for that important position.

The Senate, on receiving the nomination of Chief Justice White, immediately confirmed the appointment.

Confirmation of two newly appointed Associate Justices will follow later. The quick confirmation of Mr. Justice White is due to the fact that the Senate already had passed upon his qualifications.

Other Appointments.

The other appointments sent in by President Taft were:

To be Associate Justice, United States Supreme Court, Judge Willis Van Devanter of Wyoming, Republican, and Judge Joseph Rucker Lamar of Georgia, Democrat.

To be Judges of the new Court of Commerce: Martin A. Knapp, now Chairman of the Interstate Commerce Commission, for a term of five years.

Robert W. Archibald, now United States District Judge for the middle district of Pennsylvania, term of four years.

William H. Hunt, now a Judge of the Court of Customs Appeals, formerly United States District Judge of the District of Montana, term of three years.

Nomination a Surprise.

John Emmett Garland of South Dakota, to be Judge of the new Court of Commerce for a term of two years. This is a change from the original state, Arthur C. Denison, United States District Judge for the Western District of Michigan, having first been selected for this place.

Julian W. Mack, now Judge in the Appellate Circuit Court of the First Illinois District, term of one year.

To be members of the Interstate Commerce Commission: H. Meyer of Wisconsin and C. C. McChord of Kentucky.

The appointments of the Interstate Commerce Commission are to fill the vacancies caused by the elevation of Mr. Knapp to the Commerce Court and the forthcoming retirement of former Senator Francis M. Cockrell of Missouri. The members of the commission who remain are Messrs. Clark, Harlan, Clements, Lane and Prouty.

Switched From Hughes.

Justice White is 65 years old and has been on the Supreme Court bench sixteen years. His reputation places him as one of the ablest of Justices.

Only within the last few days, it is understood, did the President decide on Justice White for promotion. He had practically settled on Associate Justice Charles E. Hughes for the first place on the Supreme Court bench, but recently the opposition to that appointment became more and more pronounced, so that Mr. Taft again turned to other possibilities.

That Cabinet members, too, brought to bear certain influence against the promotion of Justice Hughes was another rumor in this city. It was declared by some that the former Governor of New York had shown himself to be too uncompromising for the Chief Justiceship.

Justice White's Career.

Justice White was born in the parish of Lafourche, La., in 1845. He was educated at Mount St. Mary's College, near Emmitsburg, Md., at the Jesuit College in New Orleans and at Georgetown College, Washington. Following graduation at the latter institution he entered the Confederate Army, serving until the close of the war, when he practiced law in his native State. In 1871 he was elected to the Louisiana State Senate. He was appointed an Associate Justice of the Supreme Court of Louisiana in 1878. In 1881 he was elected to the United States Senate to succeed James B. Eastland and took his seat on March 4, 1881. While serving as Senator he was appointed an Associate Justice of the Supreme Court.

Justice White was placed on the Supreme Bench by President Cleveland in 1884. At that time he was in the Senate and forty-nine years old. While a member of that body he opposed with great logical and oratorical ability the passing of the old income tax law; but the next year, as an Associate Justice, he handed down a minority opinion that the law was constitutional.

During the Fifty-second Congress Mr. White, from the Senate floor, led the fight against the tariff bill, and it was about the same time that he inspired President Cleveland not to sign the Wilson tariff bill when the President and his colleagues would vote against it.

Another Democrat Named.

Judge Garland of South Dakota, named as one of the new Judges of the Court of Commerce, is a Democrat, having been appointed to the position by President Cleveland. His appointment makes the complexion of the Commerce Court three Republicans and two Democrats.

President Taft hesitated between the appointment of Judge Garland and Judge Arthur Denison of Michigan. Last night the latter was thought to have been his final selection. To have appointed Judge Denison, however, would have resulted in making three circuit judges from Michigan, whereas the President was anxious for a more equitable distribution.

## DEMOCRAT NAMED CHIEF JUSTICE BY PRESIDENT TAFT



## BALLOONIST POST ASKS LAW TO CUT MARRIAGE BONDS

Suit for Annulment Against Wife Twenty Years Older Goes to Trial.

Augustus T. Post, who spends much of his time in thrilling stunts in balloons, came to earth today to prosecute a suit in the Supreme Court against his wife, Emma C. Post, twenty years his senior, for the annulment of their marriage. Post claims his wife had another husband living, from whom she had never been legally divorced, when she was married to him.

Mrs. Post, an elderly woman of handsome appearance, comes of a distinguished Southern family. Gen. Thacker, the Mexican War hero, was her grandfather. Prior to her marriage to Post she wrote for magazines and newspapers to support herself and three children by her first husband, John S. Keaghey, a Judge in Texas.

Declares She Was Legally Free.

That she was never legally divorced from Judge Keaghey—the charge on which Post bases his action—is emphatically denied by Mrs. Post. Before she consented to be married to Post, she said, she got the late Supreme Court Justice Russell to look into her case, and he told her she was free to marry again.

Post's suit was called for trial before Justice Davis in the Supreme Court this afternoon, and presented many complications. It appeared from the papers that Mrs. Post was married to Judge Keaghey in New Orleans in 1871. In 1875 she left Keaghey. In 1882 he started suit for divorce in Texas, on the ground of abandonment and was successful. Then Mrs. Keaghey was married to Daniel Halliday of this city in 1885.

Two years later she sued Halliday for a separation. Halliday filed a counterclaim, asking for the annulment of his marriage on the ground that the Texas divorce was invalid. Justice Russell, who heard the case, signed an order annulling the marriage to Halliday. Subsequently the higher courts held in a similar case that where divorce decrees were granted in one State under the circumstances related in the Keaghey case they must be recognized in other States. Hence, Justice Russell's decision was reversed.

Meanwhile, according to John J. Kerby, counsel for Mrs. Post, Halliday died, so that when the defendant was married to Post she was absolutely free of any matrimonial entanglement.

Romance Began on Ocean.

It was six months after the Halliday case was disposed of that the marriage to Post took place. Mrs. Halliday had met Post, then a wealthy New York broker, on a return voyage from Europe. He fell in love with her and proposed on a shipboard. She rejected him, but later he resumed his courtship in her apartments in Fifth avenue.

At his urgent request, she said, she went to Justice Russell, ascertained that she was free to wed again, and then became Mrs. Post.

The pair travelled through this country and Europe on their honeymoon.

Post returned and lived for a time at Sherry's. They separated two years ago, when Mrs. Post brought suit for a separation on the ground that Post treated her cruelly. She discontinued this action and he then filed suit for the annulment of the marriage.

Mrs. Post has been receiving \$50 monthly alimony from Post pending the determination of the present suit.

Woman Stricken on Car.

An unidentified woman, about fifty years old, tastefully dressed in black, with a green felt hat and black button shoes, collapsed in an Eighth avenue car at Sixty-fourth street last night.

Dr. H. T. Swift of the Rockefeller Institute, who was on the car, worked over her while the car sped to Fifty-ninth street. She was taken to Roosevelt Hospital in a cab, but when she reached there she was dead. Death apparently was due to heart failure.

## DIX OVERWHELMED BY A GREAT ARMY OF OFFICE SEEKERS

Crush So Great That Governor-Elect Believes They Came in Special Trains.

NO SELECTIONS TO-DAY

Mr. Dix Still Refuses to Take Any Part in Fight Over Senatorship.

Governor-elect John A. Dix summoned Secretary John Mason of the Democratic State Committee into the private office of the new Dix headquarters on the seventh floor of the Manhattan Hotel at noon today and asked:

"Did the New York Central, the West Shore, the Erie, the Lackawanna, the Lehigh, the New York, Ontario and Western and the New York and Harlem all run special trains into New York this morning?"

"Not to my knowledge," replied Mr. Mason. "Why do you ask?"

"If they didn't come on special trains how did they all get here?" persisted the Governor-elect.

As he spoke Sergeant-at-Arms Charles White opened the door of the outer office of the headquarters and a rush of office-seekers overwhelmed him. A score got into the room. Their places in the hall were taken by others.

Corridors Jammed.

The corridors of the seventh floor were jammed with Democrats eager to serve the State. They packed the office downstairs, overwhelmed the bar and restaurants, and worked the elevator boys, the pages and the telephone operators to a frazzle. Tammany Hall was not heavily represented numerically in the throng, but the leaders of the up-State Democracy were on hand to a man.

Mr. Dix received all the office-seekers, and friends of office-seekers he could handle up to 1 o'clock. Included in his list of callers were Charles F. Murphy and John H. McCoey of Brooklyn. A strong delegation called from Niagara County and demanded either the office of State Excise Commissioner for George W. Batten or State Fish and Game Commissioner for Mac Hoover or both.

At 1 o'clock Mr. Dix and his wife went to luncheon at the Hotel Gotham. No appointments will be announced until Wednesday, according to the present programme. The friends of the Governor-elect had been expected to listen to suggestions and advice from every Democratic leader entitled to recognition, but that he will not consider himself as bound by any recommendations unless the men suggested for the offices measure up to the standard he has set. However, the fact that a

candidate is an active politician will not operate against him if he is fit otherwise.

Talk About Senatorship.

The friends of the Governor-elect say that if there is any bad feeling between Edward M. Shepard and John A. Dix it is all on the side of Mr. Shepard. Mr. Dix has decided to take no active interest in the selection of a United States Senator. He told assemblyman Bush of Elmira, who aspires to be Speaker, that he will take no part whatever in the proceedings of the Legislature.

Mr. Murphy is expected to put forward the names of the Tammany men who want to serve the people at so much per annum. While he has not given out any list of applicants, it is whispered that said list is almost as long as the Democratic enrollment in Manhattan.

Superintendent of Prisons Cornelius V. Collins of Troy is marked for what the scholarly Mr. White terms the "bum's rush" as soon as possible after the Legislature convenes.

To Use The World's Evidence.

The recent exposure in the World of the peculiar haste in letting contracts for the new \$2,000,000 Harlem prison in Dutchess County, The World's exposure of the fact that Collins collected campaign funds from prison employees and a lot of other material gathered by The World is all in shape to be placed before the Senate. Incidentally there are many applicants for Mr. Collins's job.

As for Collins, he has not only the United Democracy against him, but he is in bad with his own party. He forsook the Old Guard to enlist under the Hughes banner, and he was Col. Roosevelt's right hand man in the last campaign. It was Collins who launched the campaign story that John A. Dix was overworking his employees in his paper mill.

LEADER OF GANG PUT ON TRIAL FOR MURDER OF GIRL

Opponent in Street Gun Fight Is Chief Accuser of Benjamin.

Hyman Benjamin, twenty-four years old, leader of an East Side gang, was placed on trial for his life today before Judge O'Sullivan and a jury in the Court of General Sessions. Assistant District Attorney Moss acted as prosecutor, while Abe Levy acted as defense.

Benjamin is charged with killing Rachel Rotten, thirteen years old, on the night of May 29 as she stood in the window of her home at No. 24 Forsyth street watching a fight between Benjamin's gang and a gang under the leadership of "Johnny Spanish." Benjamin had singled out Jacob Siegel, alias "Jigger," as his special prey. The two were fighting with fists when, somebody yelled: "Get your gun!"

One of the shots fired struck Rachel and killed her instantly. "Spanish" was arrested and Benjamin, who had escaped, fired the shot which killed the girl.

A jury was impaneled today and taking testimony was begun.

## ALL NOSES HELD IN FIFTH AVENUE AND CENTRAL PARK

Pretty Mexican Ocelot Sends Whole Menagerie Roaring for Air.

IT'S THE WORST EVER.

Gasoline, Asafetida and Burning Feathers Can't Prevail Against It.

If you happened to be passing early today in front of the row of mansions on Fifth avenue that overlook the Central Park arsenal and had a bad cold that had cold in mind you would have noticed that the butlers and footmen were acting strangely.

A front door would open and a stately figure in yellow plush emerge to take bearings on the weather. Said stately figure would suddenly assume a startled aspect, raise his nose and sniff, then clap his fist upon the offended nasal organ and leap backward into the house. A footman or two ventured down to the curb, sniffing all the time, then turned and bolted within the house.

Bedroom windows facing the park went banging down in a volley. But singular and impressive as all this was, if you had ventured nearer the arsenal, still retaining your bad cold, there were yet stranger sights to give you pause.

Even Policemen Moved Swiftly.

Policemen patrolling their beats, the same who spend much of their leisure time around the menagerie, started to put it in the monkey house, but we no sooner got it in the door than the monkeys began to faint. The minute I got the orders that ocelot became defunct and gets buried deep as we can blast."

If I don't get it out of Central Park to-morrow there's going to be rioting around the menagerie. Snyder started to put it in the monkey house, but we no sooner got it in the door than the monkeys began to faint. The minute I got the orders that ocelot became defunct and gets buried deep as we can blast."

106 SAVED FROM WRECK OF PACIFIC STEAMER.

VALDEZ, Alaska, Dec. 12.—The steamers June and Dora and the United States Government launch Fort Liscom reached the wreck of the Alaska Steamship Company's steamer Olympia early today and immediately began taking off the fifty-two passengers and fifty-four members of the vessel's crew.

A brief wireless dispatch from the relief vessels this morning made the announcement, but failed to give any details. The passengers will be brought here.

Singer Factory Lays Off 500 Hands.

ELIZABETH, Dec. 12.—Five hundred men and women have been laid off at the Singer sewing machine factory here without explanation. It is reported that slack trade is responsible. This is the first layoff at the factory since 1907.

In the cages at either side of the pretty spotted cat two families of lions seemed utterly bereft and were huddled together, huddling their noses with their paws.

But the Humans Were Worse.

But the dumb beasts were not a marker to the keepers. Every few minutes a keeper would burst out of a door, rush down in front of the little cat's cage and shake his fist frantically. That is one fist, the other being clasped across his face as if commented on his nose.

"What has this handsome little animal done?" one visitor with a horribly bad cold asked Head Keeper Bill Snyder, after Snyder had conducted himself like a maniac in front of the cage.

"Done?" roared Snyder. "Don't you get it? He's a Mexican ocelot. Come up back of the bear dens where the wind's blowing, and I'll tell you about it."

Having arrived back of the bear dens, Snyder said:

"If you didn't happen to have that cold, which has had the suspension of your olfactory sense, you would have been back-somersaulted out of that lion house the minute you got your nose in the door. The Mexican ocelot is to a stunk what a blue factory is to a rosebud. The Brazilian ocelot is bad enough, but when he meets one of the Mexican variety he gets under ground and keeps on digging down till he's dead."

"Why don't you get rid of him?" was asked.

"I can't," replied Snyder. "He's got orders through Rogers, the keeper, to stay down in Mexico who hates the United States sent that thing to a lady in New York. When the ship it came in arrived at South Brooklyn the customs people refused to pass it to a citizen. How the crew of that ship failed to maulify I don't know. The lady notified Commissioner Stover that a fine tiger cub had been sent her and that we could have it. The Commissioner notified me to go and get it."

"We went over to Brooklyn with a dry and cage and found the thing in the hold. All the rats had died. We got it into the cage all right, but hated ourselves when we'd finished the job. But it didn't begin to do its best work till we put it in the lion house. We sprayed it with gasoline, which only made it worse. We burned feathers and asafetida, but that proved no antidote."

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## STUDENT TACKLES FLEEING THIEF FOOTBALL WAY

Young Warden Captures Fugitive Who Robbed a Man on a Car.

Into a crowd of students of St. John's College at Wingham and Lewis avenues, Wiltshire this afternoon, ran a wild-eyed little man. Behind him was a string of pursuers, headed by Policeman Timm and Miss Bertha Goedel of No. 9 Fokhal street, Richmond Hill.

The basket ball which the boys were passing was forgotten. One of them launched himself at the fugitive with a football tackle. He was kicked in the stomach in a way which no modern football referee would approve. The fugitive ran on.

William S. Harden Jr., nephew of State Senator T. C. Harden Jr., ran in front of him and tried another tackle. The man dodged and kicked again. This time he missed. Harden caught him by the knees and bore him down and crawled up and sat astride him.

Policeman Timm was on top of them both and had handcuffs on Harden's captive in an instant. The prisoner was a "moll buster," as a hand bag thief is known in the thieves' dictionary. He had edged his way into a seat beside Miss Goedel in a trolley avenue car at Broadway and Flushing avenue. When she discovered that he had taken \$12 from her handbag she had cried out, but he brushed past the passengers who tried to stop him, knocking down several women.

Miss Goedel fought her way off the car after him. Calling to Timm she started the long chase which ended in front of the college. The prisoner said that he was leader Wall, a clerk, of No. 191 Bergen avenue.

R. R. WHERRY A SUICIDE.

Brooklyn Man Shoots Self in California—Went for Health.

Word reached this city today of the death of Robert Ralph Wherry, formerly of Brooklyn, by suicide at Sierra Madre, a suburb of Pasadena, Cal., at the foot of the Mt. Wilson trail. He shot himself. Mr. Wherry had lived in California for many years in a vain effort to recover his health. He was thirty-seven years old, a graduate of Princeton and the New York Law School. He was the son of Dr. George Wherry of Brooklyn, who was a missionary in China for many years.

Soon after Mr. Wherry went to California, eight years ago, Miss Helen Harrows Warren, daughter of E. W. Warren of Brooklyn and a niece of Col. Warren of Brooklyn, engineer of the Brooklyn Bridge, crossed the continent to be married to him without the knowledge of her friends in Brooklyn. She refused to abide by an understanding that they should wait until he recovered his health and came East before they were married.

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Only one to a purchaser, no dealers supplied, or mail orders filled.

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